

**2001 DRAFTING REQUEST****Senate Amendment (SA-SB55)**Received: **05/07/2001**Received By: **champra**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Mason**This file may be shown to any legislator: **NO**Drafter: **champra**

May Contact:

Addl. Drafters: **nelsorp1**Subject: **Employ Pub - employee benefits**  
**Employ Pub - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

LFB:.....Mason -

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**Topic:**

Presumption for employment-connected disease for state and county fire fighters

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**Instructions:**

See Attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 05/07/2001	hhagen 05/07/2001	pgreensl 05/07/2001	_____	lrb_docadmin 05/07/2001		
/2	champra 05/09/2001	hhagen 05/09/2001	jfrantze 05/09/2001	_____	lrb_docadmin 05/09/2001		

05/09/2001 11:55:50 AM

Page 2

***LRBb0218***

FE Sent For:

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/1	champra 05/07/2001	hhagen 05/07/2001	pgreensl 05/07/2001	_____	lrb_docadmin 05/07/2001		

FE Sent For:

12 hr  
5/9/01

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Self  
5/9

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/1	champra	l.hmh 5/7/01	3/7 P8	5/7 P8 ch			

FE Sent For:

&lt;END&gt;

**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: MAY 5, 2001DELIVER TO: RAC

Addressee Fax #: \_\_\_\_\_

Addressee Phone #: \_\_\_\_\_

# of Pages, Including Cover: 3

Sender's Initials: \_\_\_\_\_

From: TONY MASON, LFB6-8744

Message:

Rick--

Here are drafting instructions from JFC's May 4<sup>th</sup> executive session on ETF items.

Each of the following should be drafted as a separate LFB amendment to the JF substitute.

- (1) • Motion #431 adopted [attached]: Should be drafted as a session law provision. I don't know what the appropriate placement of this provision should be. Under ETF session law provisions? Legislature? Other? There is a comparable on-going statutory provision similar to this under s. 45.351 for a vets program. Maybe this would argue that the proper placement should be under the ETF nonstat provisions section. [I have indicated the \$\$ amounts that will be reserved in the JFC supplemental, but I don't really think that you need to reference these amounts in the nonstat provision.]
- (2) • LFB Paper #414: Maintain current law. Yank LRB-1941/2.
- (3) • LFB Paper #415: Alt. 2 adopted. Amend s. 9415(1h) of 1999 WI Act 9 by inserting "July 1, 2003" in lieu of July 1, 2001.
- (4) • LFB Paper #417: Alt. 1 adopted. Repeal s. 20.515(1)(b) [and cross-references, if any].
- (5) • Motion #216 adopted [attached]: Draft the provisions of LRB-1293/1 as a JFC amendment.

Thanks, Rick. Give me a call if you have any ?? on these.

Tony Mason, LFB

## EMPLOYEE TRUST FUNDS

**Motion:**

LRB-1293/1

**Note:**

Under current law, if a municipal firefighter claiming a benefit due to cancer has served 10 or more years as a firefighter and a qualifying medical examination was given at the time of initial employment as a firefighter and no cancer was found at the time, the finding is deemed presumptive evidence that the cancer was caused by his or her employment as a firefighter. Similarly, if a municipal firefighter claiming a benefit due to heart or respiratory impairment has served five or more years as a firefighter and a qualifying medical examination was given at the time of initial employment as a firefighter and no heart or respiratory impairment was found at the time, the finding is deemed presumptive evidence that the heart or respiratory impairment was caused by his or her employment as a firefighter.

It is estimated that for the 484 state firefighters that would be subject to this provision, additional employer-paid duty disability premium payments of \$81,500 GPR and \$99,500 (all other funds) would be paid annually. The motion would not provide any additional funding to agencies; consequently, any increased premium payments would have to be funded from base level fringe benefits funding. To the extent that an agency had insufficient base level fringe benefits funding, the agency could be supplemented from compensation reserves.

It is not known the number of county firefighters that would be subject to these provisions. However, county employers with such personnel would likely incur additional fringe benefits costs of between 0.4% and 1.0% of payroll, depending on the prior claims experience of their current employees covered by the duty disability benefit program.

**Motion #216**

[illegible]



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0218/1  
RAC&RPN: *amb*

*soon*

LFB:.....Mason – Presumption for employment-connected disease for state  
and county fire fighters

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

1

At the locations indicated, amend the bill as follows:

2

(END)

*Insert  
A*

## ASSEMBLY BILL AB-29

finding shall be presumptive evidence that the impairment or disease was caused by his or her employment as a fire fighter.

This bill extends the coverage of these presumptions to state and county fire fighters.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 #. Page 1663, line 23: after that line insert:  
2 SECTION 1. 891.45 of the statutes is renumbered 891.45 (2) and amended to  
3 read: 3862c  
4 891.45 (2) In any proceeding involving the application by a state, county, or  
5 municipal fire fighter or his or her beneficiary for disability or death benefits under  
6 s. 66.191, 1981 stats., or s. 40.65 (2) or any pension or retirement system applicable  
7 to fire fighters, where at the time of death or filing of application for disability  
8 benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years  
9 as a state, county, or municipal fire fighter and a qualifying medical examination  
10 given prior to the time of his or her ~~joining the department~~ becoming a state, county,  
11 or municipal fire fighter showed no evidence of heart or respiratory impairment or  
12 disease, and where the disability or death is found to be caused by heart or  
13 respiratory impairment or disease, such finding shall be presumptive evidence that  
14 such impairment or disease was caused by such employment. ~~In this section,~~  
15 ~~"municipal fire fighter" includes any person designated as primarily a fire fighter~~  
16 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~  
17 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

18 SECTION 2. 891.45 (1) of the statutes is created to read:

3862h  
(Intro.)  
891.45 (1) In this section:



## ASSEMBLY BILL AB-29

1 (a) "County fire fighter" means any person employed by a county whose duties  
2 primarily include active fire suppression or prevention.

3 (b) "Municipal fire fighter" includes any person designated as primarily a fire  
4 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter  
5 during the 5-year qualifying period took up at least two-thirds of his or her working  
6 hours.

7 (c) "State fire fighter" means any person employed by the state whose duties  
8 primarily include active fire suppression or prevention and who is a protective  
9 occupation participant, as defined in s. 40.02 (48).

10 SECTION 3. 891.455 (1) of the statutes is amended to read:

11 891.455 (1) In this section, "state, county, or municipal fire fighter" means a  
12 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66  
13 whose duties as a fire fighter during the 10-year qualifying period specified in sub.  
14 (2) took up at least two-thirds of his or her working hours.

15 SECTION 4. 891.455 (2) of the statutes is amended to read:

16 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~  
17 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an  
18 application by a state, county, or municipal fire fighter or his or her beneficiary for  
19 disability or death benefits under s. ~~66.191, 1981 stats., or~~ s. 40.65 (2) or any pension  
20 or retirement system applicable to fire fighters, where at the time of death or filing  
21 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter  
22 had served a total of 10 years as a state, county, or municipal fire fighter and a  
23 qualifying medical examination given prior to the time of his or her ~~joining the~~  
24 ~~department~~ becoming a state, county, or municipal fire fighter showed no evidence  
25 of cancer, and where the disability or death is found to be caused by cancer, such

## ASSEMBLY BILL AB-29

## SECTION 4

1 finding shall be presumptive evidence that the cancer was caused by such  
2 employment.

**SECTION 5. Initial applicability.**

3 *#. Page 1796, line 11: after that line insert:*  
4 *"(1) This act first applies to applications submitted by a state, county, or*  
5 *municipal fire fighter or his or her beneficiary in any proceeding involving disability*  
6 *or death benefits on the effective date of this subsection."*  
7

(END)

The treatment of sections

~~891.45~~ 891.45(1) <sup>and</sup> 891.455(1) and (2) <sup>of the</sup> <sub>statutes</sub> and

the renumbering of section 891.45 of the  
statutes



(D-Note)  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0218/12  
RAC&RPN:hmh:pg  
stays  
RMR

soon

LFB:.....Mason – Presumption for employment-connected disease for state and county fire fighters

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

1 At the locations indicated, amend the bill as follows:

2 1. Page 1663, line 23: after that line insert:

3 "SECTION 3862c. 891.45 of the statutes is renumbered 891.45 (2) and amended  
4 to read:

5 891.45 (2) In any proceeding involving the application by a state, county, or  
6 municipal fire fighter or his or her beneficiary for disability or death benefits under  
7 s. ~~66.191, 1981 stats.~~, or s. 40.65 (2) or any pension or retirement system applicable  
8 to fire fighters, where at the time of death or filing of application for disability  
9 benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years  
10 as a state, county, or municipal fire fighter and a qualifying medical examination  
11 given prior to the time of his or her ~~joining the department~~ becoming a state, county,

1 or municipal fire fighter showed no evidence of heart or respiratory impairment or  
2 disease, and where the disability or death is found to be caused by heart or  
3 respiratory impairment or disease, such finding shall be presumptive evidence that  
4 such impairment or disease was caused by such employment. ~~In this section,~~  
5 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~  
6 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~  
7 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

8 **SECTION 3862h.** 891.45 (1) of the statutes is created to read:

9 891.45 (1) (intro.) In this section:

10 (a) “County fire fighter” means any person employed by a county whose duties  
11 primarily include active fire suppression or prevention.

12 (b) “Municipal fire fighter” includes any person designated as primarily a fire  
13 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter  
14 during the 5-year qualifying period took up at least two-thirds of his or her working  
15 hours.

16 (c) “State fire fighter” means any person employed by the state whose duties  
17 primarily include active fire suppression or prevention and who is a protective  
18 occupation participant, as defined in s. 40.02 (48).

19 **SECTION 3862p.** 891.455 (1) of the statutes is amended to read:

20 891.455 (1) In this section, “state, county, or municipal fire fighter” means a  
21 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66  
22 whose duties as a fire fighter during the 10-year qualifying period specified in sub.  
23 (2) took up at least two-thirds of his or her working hours.

24 **SECTION 3862t.** 891.455 (2) of the statutes is amended to read:

891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an application by a state, county, or municipal fire fighter or his or her beneficiary for disability or death benefits under ~~s. 66.191, 1981 stats., or~~ s. 40.65 (2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 10 years as a state, county, or municipal fire fighter and a qualifying medical examination given prior to the time of his or her ~~joining the department~~ becoming a state, county, or municipal fire fighter showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment.”.

**2. Page 1796, line 11: after that line insert:**

“(1m) The treatment of sections 891.45 (1) and 891.455 (1) and (2) of the statutes and the renumbering of section 891.45 of the statutes first ~~applies~~ <sup>apply</sup> to applications submitted by a state, county, or municipal fire fighter or his or her beneficiary in any proceeding involving disability or death benefits on the effective date of this subsection.”.

**(END)**

(CS) PRESUMPTION FOR EMPLOYMENT-CONNECTED DISEASE

D-Note

Tony MASON:

This version simply adds a title to the nonstatutory provision.

RAC

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0218/2dn  
RAC:hmh:jf

May 9, 2001

Tony Mason:

This version simply adds a title to the nonstatutory provision.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

LFB:.....Mason – Presumption for employment–connected disease for state  
and county fire fighters

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

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3           “**SECTION 3862c.** 891.45 of the statutes is renumbered 891.45 (2) and amended  
4       to read:

5           891.45 (2) In any proceeding involving the application by a state, county, or  
6       municipal fire fighter or his or her beneficiary for disability or death benefits under  
7       ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable  
8       to fire fighters, where at the time of death or filing of application for disability  
9       benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years  
10      as a state, county, or municipal fire fighter and a qualifying medical examination  
11      given prior to the time of his or her ~~joining the department~~ becoming a state, county,

1 ~~or municipal fire fighter~~ showed no evidence of heart or respiratory impairment or  
2 disease, and where the disability or death is found to be caused by heart or  
3 respiratory impairment or disease, such finding shall be presumptive evidence that  
4 such impairment or disease was caused by such employment. ~~In this section,~~  
5 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~  
6 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~  
7 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

8 **SECTION 3862h.** 891.45 (1) of the statutes is created to read:

9 891.45 (1) (intro.) In this section:

10 (a) “County fire fighter” means any person employed by a county whose duties  
11 primarily include active fire suppression or prevention.

12 (b) “Municipal fire fighter” includes any person designated as primarily a fire  
13 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter  
14 during the 5-year qualifying period took up at least two-thirds of his or her working  
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16 (c) “State fire fighter” means any person employed by the state whose duties  
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9 ~~department becoming a state, county, or municipal fire fighter~~ showed no evidence  
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12 employment.”.

13           **2.** Page 1796, line 11: after that line insert:

14           “(1m) PRESUMPTION FOR EMPLOYMENT-CONNECTED DISEASE. The treatment of  
15 sections 891.45 (1) and 891.455 (1) and (2) of the statutes and the renumbering of  
16 section 891.45 of the statutes first apply to applications submitted by a state, county,  
17 or municipal fire fighter or his or her beneficiary in any proceeding involving  
18 disability or death benefits on the effective date of this subsection.”.

19           (END)